

REMARKS

The following remarks are submitted to be fully responsive to the Final Office Action and the Advisory Action as have been issued prior to the filing of the attached Request for Continued Examination. It is further submitted that this response is timely filed within the shortened-statutory period as extended by a three month extension of time, as such period has been set for filing of an Appeal Brief based upon Applicants filing of a Notice of Appeal received at the U.S. Patent and Trademark Office on March 6, 2007. Reconsideration of all outstanding grounds of rejection and allowance of the subject application are respectfully requested.

Each of independent claims 1, 21, and 34 have been rejected under 35 U.S.C. 103 (a) as being obvious by the combination of the reference to Iwen et al and Eller et al. It is submitted that each of the currently amended independent claims 1, 21 and 34 are patentably distinct from any attempted combination of the Iwen et al and Eller et al references for at least the reasons set out below. Moreover, dependent claims 2, 6-20, 22-27, 29-33, and 35-37 are also patentable at least in that they depend from allowable independent claims.

A key aspect of distinction of the present invention relates to the design of an abatement enclosure system that purposely creates such an enclosure that covers non-working surfaces from many strips of film arranged alongside one another and in a sealed overlapping arrangement. For abatement purposes, such a design is directly contrary to the attempts of others as described in the prior art references of record and as relied upon by the Examiner. The Iwen et al reference provides a system for covering surfaces that utilizes a single sheet specifically folded and applied to get two-layer coverage from a single sheet to eliminate seams and thus possible leakage points. The Eller et al reference is an entirely different approach that provides a temporary wall to partition an area of a room, which temporary wall is a ventilation control structure including flaps arranged from plural sheets to permit limited air flow into the partitioned area as such is subject to negative pressure. The present invention takes a contrary approach to either of these by utilizing plural sheets arranged to cover non-working surfaces where seams are purposefully created and appropriately sealed according to inventive aspects of the present invention. Moreover, it is submitted that the Iwen et al and Eller et al references cannot be combined in any manner to render obvious the claims of the present invention.

Any attempt to modify the system of Iwen et al to utilize plural sheets and create seams as a substitute to the coverage provided by its folded sheet would be a destruction of the clear intended purpose of the system of Iwen et al. On this basis alone, the rejection of record should be withdrawn.

Secondly, a combination of teachings of Eller et al to the system of Iwen et al would be that instead of covering all non-working surfaces of a room, the room would include a partitioning wall provided with ventilation flaps that permit air flow through them. Again, this type of modification would be directly contrary to Iwen et al's purpose to eliminate leakage into its controlled environment. Importantly also, even if Eller et al could somehow suggest to take Iwen et al's folded sheet, cut it into multiple pieces, and apply the pieces to non-working surfaces, Eller et al would then teach that the overlapping seam would be created without sealing them together so they act as flaps to permit air flow as part of a ventilation procedure. This combination is distinguished within independent claims 1, 21, and 34 by the recitation of adhesively sealed seams formed by overlapping barrier sheet portions. Overlapping sheets that create non-sealed flaps is a structural and functional feature that is entirely different than what is presently claimed. Accordingly, Applicant's submit that even if the Eller et al and Iwen et al systems were combined to create overlapping sheet portions, claims 1, 21, and 34 are patentably distinct. The combination of references as asserted by the Examiner cannot come up with the method steps and system as presently claimed.

To further distinguish from the prior art of record, independent claim 1 is also presently amended to further recite that the holding system of the barrier sheets comprises an adhesive layer that substantially covers a major surface of the first and second barrier sheet lengths. It is submitted that this limitation further distinguishes from the Iwen et al and Eller et al references as taken in combination or alone from one another. Within this adhesive layer, intermediate and edge adhesive zones are included, and an overlapping portion of the first and second barrier sheet lengths are adhesively sealed. Neither references discloses or suggests the provision of an adhesive layer that substantially covers a major surface of any barrier sheet. In fact, each reference teaches to the contrary.

The Iwen et al reference discloses at column 4, lines 6-14, that "it is contemplated that the sheet may have additional adhesive areas" and notes that "additional adhesive strips" could

be exposed by a user. Iwen et al only contemplates distinct strips or areas of adhesive that can be provided in select locations to facilitate hanging of the folded sheet material as a single sheet providing the multiple layers. Given the cumbersome nature of the large sheet as it is folded in a particular manner with a specific procedure to permit application to wall surfaces, select adhesive provision is required to stepwise apply the sheet material without having the sheet adhering to itself or other structures inadvertently. Iwen et al clearly teaches away from the provision of an adhesive layer substantially covering a major sheet surface. Eller et al, as discussed above, discloses that the overlapping flaps permit air flow, and as such cannot be provided with adhesive.

Dependent claim 2 is amended to recite that the adhesive comprises a pressure sensitive adhesive that is an acrylic adhesive. Although acrylic adhesives are not themselves new, it is an important aspect of the present invention that where an adhesive is substantially covering a sheet's major surface, as presently claimed, the acrylic adhesive provides desired adhesion properties. Allowance of dependent claim 2 is thus believed proper and requested.

Furthermore, dependent claim 18 recites the application of a negative pressure of 0.02 inches of water within the enclosed space and maintaining billowing, as a result of the adhesive holding system, to less than 2 inches. The amount of billowing is directly related to the use of an adhesive holding system, the provision of such adhesive to substantially cover a major surface of each sheet, the specific adhesive material and the manner of creating the enclosure, as are presently claimed. It is submitted that the systems of either Iwen et al or Eller et al, or any combination thereof, would not be capable of this limitation. Allowance of dependent claim 18 is thus believed proper and requested.

Independent claim 21 is believed allowable over the prior art of record for all of the reasons set out above. A method is recited including the securing of first and second barrier sheets in an overlapping manner to create sealed seams, and also includes the limitations added to claim 1, claim 2 and claim 18, as discussed above. Allowance of independent claim 21 is thus believed proper and requested.

Independent claim 34 sets out an enclosure including the aspects noted with respect to claim 1 including the provision of overlapping seams from barrier sheet with the seams sealed by adhesive, which adhesive is recited as comprising an acrylic pressure sensitive adhesive that


substantially covers a major surface of each claimed sheet. Allowance of independent claim 34 is thus believed proper and requested.

Applicants have discovered a way to purposefully create seams in an enclosure environment so that the barrier sheets are manageable for hanging and yet effectively provide a controlled environment. With the use of the claimed holding system, these barrier sheets can be easily hung and the controlled environment can be effectively created contrary to the express teachings of a barrier system as disclosed by the prior art.

Accordingly, it is submitted that presently pending claims 1, 2, 6-27, and 29-37 are currently in condition for allowance, a notice of which is earnestly solicited. If the Examiner finds any issue remaining after consideration of this response, the Examiner is requested to contact the undersigned, at the Examiner's convenience, in order to expedite any remaining prosecution.

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Respectfully Submitted,

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